

46B-CC-1020

**THE CHURCH OF GOD EVANGELISTIC ASSOCIATION**

908 SYCAMORE ST. WAXAHACHIE, TX 75165 972-937-2227

DAVID J. SMITH

FOUNDER AND PASTOR

Received & Inspected

To whom it may concern:

5/4/12

MAY 21 7:12

In response to your letter concerning Closed Caption Exemption:

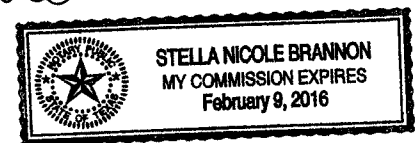
FCC Mail Room

- 1) Attach is the computer run out of our 2010 complete donation and expense report.
- 2) When we originally sought pricing for closed captioning, it was approximately 25% of the cost to air the program. Since every program is different, this is prohibited with what money we have to work with.
- 3) We sought assistance from LeSea Broadcasting, but they said they could not help because of time restraints and the money involved that we could not pay.
- 4) There is no assistance available because everyone is in business to make a profit. This leaves us helpless to have closed caption.
- 5) We make our programs in-house because of lack of funds. If we are required to have closed captioning, we would have to shut down production or severely limit our program.
- 6) Attached also is the original petition from May 14, 2010.

*David J. Smith, President*

David J. Smith, President

*Stella Brannon*



THE CHURCH OF GOD EVANGELISTIC ASSOCIATION  
308 S. CHURCH ST. INDIANAPOLIS, IN 46204-1157

DAVID J. SMITH  
FOUNDER AND PASTOR

May 14, 2010

Received & Inspected

Via First Class U.S. Mail

MAY 21 2012

FCC Mail Room

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Petition for Undue Burden Exemption  
from Closed Captioning Rules

Dear Ms. Dortch:

This letter is submitted pursuant to 47 C.F.R. §79.1(f) and requests an exemption on behalf of The Church of God Evangelistic Association from the FCC's closed captioning rules based on undue burden. In accordance with 47 C.F.R. §79.1(f)(4), the original and two copies of this letter and all support are being provided.

The Church of God Evangelistic Association is a donor supported non-profit organization under the laws of the state of Missouri. Since 1996, we have produced a weekly 30-minute video program called Newswatch Magazine. Newswatch Magazine is a program that describes world news in the light of Bible prophecy. Newswatch Magazine is locally produced in-house by The Church of God Evangelistic Association staff, and is broadcast to the public on LeSea Broadcasting. The Church of God Evangelistic Association pays LeSea Broadcasting \$575 per program to air the show over its broadcast facilities.

Captioning the program would present an undue burden for several reasons. First, since we do not have the resources to caption the program ourselves, it would have to be sent to an outside source for captioning. Second, the added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting LeSea Broadcasting air-date deadlines impossible. Finally, a captioning requirement would ultimately cause us to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program. We have discussed with LeSea the possibility of their assisting us in captioning the program at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.

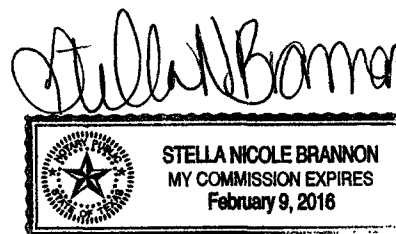
The Church of God Evangelistic Association respectfully submits that the basis for its captioning exemption request based on undue burden is practically identical to the facts justifying undue burden exemptions in the Commission's 2006 Memorandum Opinion & Order, *In Re Anglers for Christ Ministries, Inc. & New Beginning Ministries Petitions for Exemption from Closed Captioning Requirements*, CGB-CC-0005 and -0007, 21 FCC Rcd 10094 (September 12, 2006). In light of that precedent, and the facts set forth in this letter, we respectfully request that The Church of God Evangelistic Association be granted an undue burden exemption from the captioning requirements for Newswatch Magazine.

In support of our request, we provide a copy of certain documents establishing The Church of God Evangelistic Association's non-profit status. In addition, as permitted by §1.16 of the Commission's rules, we are providing a Declaration Under Penalty of Perjury in support of the facts set forth in this request for exemption in lieu of the affidavit required by §79.1(f)(9). Should the Commission require additional information, please contact the undersigned individual.

Respectfully:

The Church of God Evangelistic Association

By: David J. Smith  
Printed Name: David J. Smith  
Title: President



Received & Inspected  
MAY 2 1 2010  
FOC Mail Room

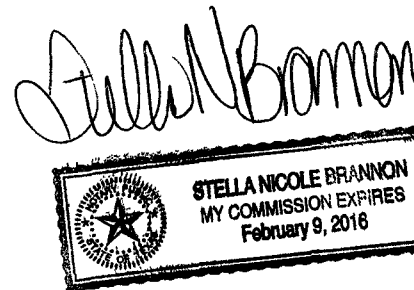
**Declaration Under Penalty of Perjury of David J. Smith  
in support of The Church of God Evangelistic Association's Request for Undue Burden  
Exemption from Closed Captioning Rules**

I, David J. Smith, President of The Church of God Evangelistic Association, do hereby declare under penalty of perjury of the laws of the United States of America that the following statements are true and correct.

1. The Church of God Evangelistic Association is a donor supported non-profit organization organized under the laws of the state of Missouri.
2. Since 1996, The Church of God Evangelistic Association has produced a 30-minute video program called Newswatch Magazine. Newswatch Magazine is a program that describes world news in the light of Bible prophecy. Newswatch Magazine is locally produced in-house by The Church of God Evangelistic Association staff, and is broadcast to the public on LeSea Broadcasting of South Bend, Indiana. The Church of God Evangelistic Association pays LeSea Broadcasting \$575 per program to air the show over its broadcast facilities.
3. The Church of God Evangelistic Association has discussed with LeSea Broadcasting the possibility of their assisting in captioning Newswatch Magazine at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.
4. Captioning Newswatch Magazine would present an undue burden because we do not have the resources to caption the program ourselves, and it would have to be sent to an outside source for captioning.
5. The added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting LeSea air-date deadlines impossible.
6. A captioning requirement for Newswatch Magazine would ultimately cause The Church of God Evangelistic Association to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program.

Executed on MAY 14, 2010.

David J. Smith  
Signature



**The Church of God Evangelistic Association**  
908 Sycamore St. Waxahachie, TX 75165  
(972) 937-2227 – Fax: (972) 937-2666

**David J. Smith**  
**President**

**Contribution/Expense from January 1 – December 31, 2010**

Carry-over from 2009:.....	\$ 49,189.48
Donations from Church members/TV supporters:.....	<u>\$645,724.15</u>
Total:	\$694,913.63

Day-to-day expenses that varies from year-to-year

1. Postage, Mailing magazine.....\$97,844.61
2. Church buildings and house at 904-908 Sycamore; Ministerial home,  
Rental property, insurance.....\$66,042.58
3. Church Retreat ..... \$7,713.21
4. Transportation: Automobiles, insurance, & repairs:.....\$32,807.15
5. Utilities: Telephone, electric, gas, water, trash.....\$38,869.16
6. Office supplies:.....\$51,619.37
7. Books, Magazine printed, special office supplies & gasoline.....\$112,896.10
8. Help for needy, funerals, flowers, food pantry, Miscel.:.....\$65,827.00
9. Salaries:.....\$55,354.33
10. Taxes withheld:.....\$12,387.47

**Income to be used as we desire for our outreach program:**

Radio/TV:.....\$138,048.90

Carry over to December 31, 2010:.....\$15,503.75

*David J. Smith, President*

*Stella Nicole Brannon*

